

revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is a important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.**

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

“(C) agricultural and animal waste sources.”.

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

“(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term ‘agricultural and animal waste sources’ means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).”.

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

“(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term ‘qualified facility’ means any facility of the taxpayer which is originally placed in service—

“(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

“(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

“(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term ‘qualified facility’ shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

“(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

“(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

“(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.”.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting “and waste energy” after “renewable”.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting “and waste energy” after “renewable”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 83—REFER-  
RING S. 846 ENTITLED “A BILL  
FOR THE RELIEF OF J.L. SIM-  
MONS COMPANY, INC., OF CHAM-  
PAIGN, ILLINOIS” TO THE CHIEF  
JUDGE OF THE UNITED STATES  
COURT OF FEDERAL CLAIMS  
FOR A REPORT THEREON**

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

*Resolved,*

**SECTION 1. REFERRAL.**

S. \_\_\_\_\_ entitled “A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois”, now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

**SEC. 2. PROCEEDING AND REPORT.**

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

**SENATE RESOLUTION 84—TO AU-  
THORIZE REPRESENTATION BY  
THE SENATE LEGAL COUNSEL IN  
TIMOTHY A. HOLT V. PHIL  
GRAMM**

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00-541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved,* That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

**AMENDMENTS SUBMITTED AND  
PROPOSED**

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUE, and Mr.